

Preliminary Amendment
U.S. Application No. 10/692,856

A8671

REMARKS

Claim 12 has been amended to include the elected species.

Entry and consideration of this Amendment are respectfully requested.

In response to the Restriction Requirement, Applicant elects Group I. This election is made without traverse.

In response to the requirement to elect a specific compound, Applicant elects the compound of claim 18, namely, (*S*)-*N*-[2-[(1-chloromethyl)-1,2-dihydro-5-(phosphonoxy)-3*H*-benz(*e*)indol-3-yl]carbonyl]-1*H*-indol-5-yl]-5-[(3-mercapto-1-oxopropyl)-amino]-1*H*-indole-2-carboxamide.

Applicants suggest, respectfully, the following subgenus for examination: compounds and compositions of CC-1065 analogs, formed from a subunit of formula (I) and a subunit of formula (V), and wherein R₇ in formula (I) is phosphate.

Support for this subgenus is found in the bottom-most structure in Figure 2, wherein Z=H.

Applicant submits that if any of the elected claims are found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application.

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Applicant reserves the right to file a Divisional Application directed to non-elected
claims 24, 26 and 27.

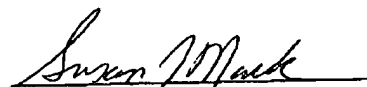
Respectfully submitted,

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